

STATE OF TENNESSEE

COMPTROLLER OF THE TREASURY

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Justin P. Wilson
Comptroller

May 14, 2009

Memorandum

TO:

Governor Phil Bredesen

Chairman Randy McNally

Senate Finance, Ways, & Means Committee

Chairman Craig Fitzhugh

House Finance, Ways, & Means Committee

FROM:

Justin P. Wilson, Comptroller of the Treasury

Tre Hargett, Secretary of State

David H. Lillard Jr., State Treasurer

M.D. Goetz, Jr., Commissioner

Department of Finance & Administration

SUBJECT:

Revenue Estimates for FY 2008-09 and FY 2009-10

The State Funding Board met on May 1, 2009, to hear updated presentations on the State's near-term economic outlook for the fiscal years 2008-09 and 2009-10. The Board reconvened on May 7, 2009, to discuss the revenue projections.

Total State Taxes and General Fund Revenue Estimates

The Board is charged, in Tennessee Code Annotated Section 9-4-5202(e), with the responsibility of developing consensus ranges of state revenue growth. In doing so, the Board evaluates and interprets economic data and revenue forecasts supplied by various economists as well as persons acquainted with the Tennessee revenue system. This is a revenue estimation process and not a budgeting process. The Board does not take into consideration the State's fiscal situation when developing its consensus ranges of revenue

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growth; however, the Board does strive to have the highest degree of confidence in the State's ability to achieve such growth. Fiscal considerations properly belong with those who set the State's budget - the Administration that recommends appropriation levels based upon its assessment of revenue growth and the General Assembly that adopts a *de facto* revenue estimate through its final action on the appropriations bill.

The Board heard testimony regarding the economy from Dr. William Fox of The University of Tennessee; Dr. Albert DePrince of Middle Tennessee State University; Mr. Jim White, Mr. Dan Cooper, and Mr. Robert Currey of the Fiscal Review Committee; and Mr. Reid Linn of the State Department of Revenue. The state tax revenue estimates provided by each of the presenters are summarized in two attachments to this memorandum.

The consensus of the presenters is that there has been and there will continue to be contraction in the economy for several months. All of the presenters acknowledged that the country continues to be in a recession, which is expected to continue beyond fiscal year 2008-09 and has continued longer than originally projected at the December 2008 meeting.

The presenters noted that factors such as the extreme volatility in the market, unemployment, a real decline in personal income and the lack of consumer confidence continue to impact Tennessee's current economic condition. Even though consumer confidence has shown signs of strengthening, it remains unclear whether it will translate into increased discretionary spending. The personal savings rate is currently at the highest quarterly rate since 1998.

The unemployment rate in Tennessee continues to rise and currently exceeds the national growth rate. Tennessee has not experienced such an unemployment rate since the mid 1980's. This steady increase in unemployment has negative implications for Tennessee's Unemployment Trust Fund. The sectors of durable goods and professional and business services continue to experience job loss. There has been some positive growth in local government employment and in the area of health care.

Tennessee continues to experience a major decline in big ticket sales for light vehicles and homes, which negatively impacts sales tax and privilege tax collections. Until such time as sales in these areas recover, State tax revenues are not likely to improve. None of the presenters forecasted improvement in these sales areas until the first quarter of fiscal year 2009-10. Automobile sales have been impacted not only by tightening credit constraints but also by increased fuel costs and excessive capacity in domestic manufacturing. The fall off in taxable sales in general is relatively unprecedented. The paralysis in retail sales causes the sales tax collections to remain unstable. There is no clear indication that the rates of decline are slowing.

With respect to their forecasts, the presenters cautioned that there was a higher risk of undercollecting the estimate versus overcollecting the estimate for the current fiscal year. In addition, each of the presenters believed the State would undercollect the revised budget estimates for fiscal year 2008-09 as presented in the Governor's Budget.

Since December 2008 when the last growth estimates were made, the Tennessee economy has continued to decline. Based on the testimony received and the Board discussions, the Board developed the following summarized consensus estimates expressed in ranges of growth rates in State tax revenue collections:

	FY 2	2008-09	FY 20	009-10
	Low	High	Low	High
Total State Taxes	-9.00%	-8.50%	-0.75%	0.45%
General Fund Only	-10.20%	-9.70%	-1.00%	0.20%

The effects of the proposed federal stimulus package on State revenue collections are still unknown. However, various aspects of stimulus projects will be subject to Tennessee taxes.

The Board believes that while it is difficult to precisely predict revenue growth rate ranges when the economy is currently so volatile, these ranges are reasonable and appropriate for use in State budgeting and are based on statutory tax provisions enacted through the 2008 session of the General Assembly.

Net Lottery Proceeds Revenue Estimates

Additionally, the State Funding Board received presentations regarding the Tennessee Education Lottery (TEL). Legislation in 2003 created the Tennessee Education Lottery Corporation (TELC) (Tennessee Code Annotated Sections 4-51-101 et seq.) Tennessee Code Annotated Section 4-51-111(c) requires the Board to establish a projected revenue range for the "Net Lottery Proceeds" [defined in Section 4-51-102(14)] for the remainder of the current fiscal year and for the succeeding fiscal year.

Mr. Robert Currey, Chief Economist with the Fiscal Review Committee (FRC) presented to the Board the FRC's lottery projections. Mr. Currey reviewed the fiscal year 2007-08 actual performance of the TELC and reported \$272,415,567 in Net Lottery Proceeds. He also reviewed the "sweet spot" or "optimum prize expense point" and the trend with respect to the amount of Net Lottery Proceeds. In looking at fiscal year 2008-09, Mr. Currey's revised estimate forecasted additional growth for instant games, assuming the prize payout ratio remains constant for the remainder of the fiscal year. His assumptions also included no matrix change for Powerball, Pick 5, or Lotto Plus for the remainder of fiscal year 2008-09. Mr. Currey estimated lottery expenses for fiscal year 2008-09 and 2009-10 to be approximately 74% and 74.2%, respectively of total net revenues. The

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estimated Net Lottery Proceeds available for deposit into the Lottery Education Account for fiscal years 2008-09 and 2009-10 were revised to be 26% and 25.8%, respectively.

Ms. Rebecca Hargrove, the Chief Executive Officer and Mr. Andy Davis, Chief Financial and Technology Officer, both of the TELC, also presented their estimate of total and Net Lottery Proceeds for fiscal year 2008-09. Based on the current economic climate, TELC projected no growth in Net Lottery Proceeds for fiscal year 2009-10.

Ms. Hargrove reviewed significant factors impacting TELC estimates. For fiscal year 2008-09, TELC anticipates sales for Pick 5 and Lotto Plus to exceed sales in fiscal year 2007-08. The HotTrax Champions, a monitor-based online game, was discontinued on December 31, 2008, due to declining sales and limited retailer support. In February 2009, Tennessee Millionaires Club, which is an instant game, was introduced. Since the introduction of that instant game, the weekly average sales for instant games has increased from \$14.6 million to \$19.9 million. As of March 31st of the current fiscal year, the TELC had experienced weekly average gross sales of \$20.6 million compared with \$20.5 million as of the same time last fiscal year. Powerball sales have declined in fiscal year 2008-09 due to the fact that as of March 31, 2009, there has been only one jackpot cycle to reach \$200 million, as compared to two jackpot cycles that exceeded \$200 million dollars in the prior fiscal year through March 31, 2008. Two major factors are expected to impact Powerball projections for the remainder of fiscal year 2008-09. These factors, which occurred in January 2009, are the State of Florida's entrance into the Powerball jackpot and a modification of the odds of winning both the jackpot and other prize levels.

The Board then heard from Mr. David L. Wright, Assistant Director for Policy Planning and Research of the Tennessee Higher Education Commission, and from Mr. Tim Phelps, Associate Executive Director for Grants and Scholarship Programs of the Tennessee Student Assistance Corporation. They confirmed the projection for fiscal year 2008-09, which estimates there will be 88,000 awards, with a projected cost of \$266 million. Furthermore, Mr. Wright presented increased estimates for fiscal year 2009-10 of 97,000 awards, with a projected cost of \$276.5 million. These awards include all lottery-funded scholarship programs as authorized through the 2008 session of the General Assembly, including Hope Scholarship, General Assembly Merit Scholarship, ASPIRE Award, HOPE Access Grant, Wilder-Naifeh Technical Skills Grant, Nontraditional Student Grant, Foster Child Tuition Grant, Dual Enrollment Grant, Math & Science Teacher Loan Forgiveness Program, Helping Heroes Grant, the Rural Health Loan Forgiveness Program and Tennessee Student Assistance Award.

The estimates provided by each of the presenters are summarized in an attachment to this memorandum. Consensus was reached on the following estimates of the range for Net Lottery Proceeds to be deposited in the Lottery for Education Account and used for the various statutory purposes:

	FY 2	008-09	FY 2	009-10
	Low	High	Low	High
Net Lottery Proceeds	\$262,000,000	\$273,000,000	\$262,000,000	\$272,000,000

These estimates assume no new legislative changes regarding the TELC and its authority. The Board agreed with the presenters that Net Lottery Proceeds are difficult to project due to the various economic factors presented above. The Board noted that the revised projected current revenues¹ of the Lottery for Education Account are less than the revised appropriation requirements² for fiscal year 2008-09; however funds are available in the unobligated reserve.³ For fiscal year 2009-10 the estimated range of Net Lottery Proceeds is less than projected cost of higher education scholarship programs.⁴

Each of us stands ready to discuss this further at your convenience.

Attachments

Revenue Estimates (2) Lottery Estimates TSAC/THEC Report

cc. The Honorable Ron Ramsey
The Honorable Kent Williams

Revenues are Net Lottery Proceeds (from \$262-273 million) and interest earnings (\$17.3 million).

² Appropriation requirements are higher education scholarship programs (\$266 million), Pre-Kindergarten (\$25 million) and administration (\$4.1 million).

³ Based on the appropriation requirements, this will require utilization of an amount between \$4.8 to 15.8 million from the unobligated reserve.

⁴ For fiscal year 2009-10 at the low end of the range, projected current revenues of Net Lottery Proceeds (\$262 million) and interest earnings (\$16.8 million assuming \$10 million reduction in unobligated reserve at the end of fiscal year 2008-09) will be \$278.8 million. This is less than estimates for the costs of higher education scholarship programs (\$276.5 million) and administration (\$4.1 million).

2008-2009

DEPARTMENT OF REVENUE	2007-2008		% CHANGE	BUDGET	% CHANGE		% CHANGE		% CHANGE		% CHANGE		
SOURCE OF REVENUE	ACCRUAL	DSF ADJUSTED	ACTUAL	REVISED	OVER 07-08 ACTUAL	DR. FOX	OVER 07-08	FISCAL REVIEW	OVER 07-08	REVENUE DEPT.	OVER 07-08	07-08	0
Sales and use Tax	\$ 6,851,184,800	\$ 7.019,200,000	2.45%	\$ 6,475,000,000	-5.49%	\$ 6,400,000,000	-6.59%	8	-7.50%	\$ 6.370,900,000	-7 01%	3 3	·
Gasoline Tax	617,080,800	609,100,000	-1.29%	598,600,000	-2.99%	592,000,000	4.06%		-3.42%		-3.76%	% &	_
Motor Fuel Tax	182,938,900	188,300,000	2.93%	168,300,000	-8.00%	160,000,000	-12.54%	162,400,000	-11.23%	160,600,000	-12.21%		
Gasoline Inspection Tax	65,161,400	66,200,000	1.59%	62,900,000	-3.47%	60,600,000	-7.00%		4.54%	61,300,000	-5.93%		
Motor Vehicle Registration Tax	251,309,200	263,000,000	4.65%	248,200,000	-1.24%	248,800,000	-1.00%	2	-1.56%	248.700.000	-1 04%		250 500,000
Income Tax	292,027,400	262,400,000	-10.15%	204,400,000	-30.01%	210,000,000	-28.09%	221,000,000	-24.32%	210,000,000	-28.09%		212,400,000
Privilege Tax - Less Earmarked Portion	279,005,500	306,600,000	9.89%	226,000,000	-19.00%	240,000,000	-13.98%	253,000,000	-9.32%	271.800.000	-2.58%		252 000 000
Gross Receipts Tax - TVA	273,173,600	283,800,000	3.89%	284,000,000	3.96%	284,000,000	3.96%		3.63%	283,100,000	3.63%		283 100 000
Gross Receipts Tax - Other	20,073,100	27,500,000	37.00%	21,000,000	4.62%	21,000,000	4.62%		29.53%	20,500,000	2.13%		13 400 000
Beer Tax	15,675,800	19,100,000	21.84%	17,900,000	14.19%	18,300,000	16.74%		16.74%	18,600,000	18 65%		19,000,000
Alcoholic Beverage Tax	42,602,300	44,300,000	3.98%	43,900,000	3.05%	44.800.000	5 16%		3 87%	43 700 000	2 58%		44,000,000
Franchise & Excise Taxes	1,619,508,100	1,664,100,000	2.75%	1.328,000,000	-18.00%	1 305 000 000	-19 42%	<u>ــــــــــــــــــــــــــــــــــــ</u>	-18 49%	1 339 100 000	17 31%		1 283 700,000
Inheritance and Estate Tax	112,796,700	95,000,000	-15.78%	95,000,000	-15.78%	000 000 00	-20 21%	93,000,000	17 55%	7,009,100,000	-20 83%		94 600 000
Tobacco Tax	286,036,500	325,000,000	13.62%	314,600,000	9.99%	314 600 000	999%	304 000 000	6 28%	295,200,000	3 20%		323 700,000
Motor Vehicle Title Fees	11,392,000	11,600,000	1.83%	10,900,000	4.32%	10,900,000	-4.32%	10,600,000	-6.56.6	10,600,000	-6 95%		11 600 000
Mixed Drink Tax	54,903,200	61,400,000	11.83%	54,900,000	-0.01%	54,900,000	-0 01%	54 200 000	-1 28%	56 300 000	2.54%		51,000,000
Business Tax	138,156,800	145,800,000	5.53%	131,200,000	-5.04%	131.200.000	-5 04%	130 000 000	-5 90%	130,700,000	5 40%		145 300,000
Severance Tax	2,616,700	1,800,000	-31.21%	2,000,000	-23.57%	2,000,000	-23.57%	2.400.000	-8.28%	2 100 000	-19 75%		1 800,000
Coin Operated Amusement Tax	252,100	300,000	19.00%	300,000	19.00%	300,000	19.00%	300,000	19 00%	200 000	-20 67%		300,000
Unauthorized Substance Tax	1,688,300	2,000,000	18.46%	1,900.000	12.54%	1,900,000	12.54%	1,400,000	-17.08%	1,700,000	0.69%		2.000.000
C STALMOL	\$ 11,117,363,200	\$ 11,396,500,000	2.51%	\$ 10,289,000,000	-7.45%	\$10,190,300,000	-8.34%	\$10,166,883,000	-8.55%	\$10,208,300,000	-8.18%	60	\$10,109,100,000
GENERAL FUND ONLY (1)	\$ 9,221,966,700	\$ 9,503,500,000	3.05%	\$ 8,439,100,000	-8.49%	\$ 8,356,800,000	-9.38%	\$ 8,326,183,000	-9.71%	\$ 8,373,200,000	-9.20%	40	\$ 8,278,200,000
Budgeted Est. Compared to New Est Total				\$ (1,107,500,000)		\$ (1,206,200,000)		\$ (1,229,617,000)		\$ (1,188,200,000)		00000	\$ (1.287,400,000)
Budgeted Est. Compared to New Est Gen. Fund				\$ (1,064,400,000)		\$ (1,146,700,000)		\$ (1,177,317,000)		\$ (1,130,300,000)			\$ (1,225,300,000)
					i		1						
Revised Est. Compared to New Est Total						\$ (98,700,000)		\$ (122,117,000)		\$ (80,700,000)		69	(179,900,000)
Revised Est. Compared to New Est Gen. Fund						\$ (82,300,000)		\$ (112,917,000)		\$ (65,900,000)		69	(160,900,000)
SELECTED TAXES	ACTUAL	ESTIMATE	%	BUDGET	%	DR. FOX	%	FISCAL REVIEW	%	REVENUE DEPT	8		
SALES AND USE TAX	\$ 6,851,184,800	\$ 7,019,200,000	2.45%	\$ 6,475,000,000	-5.49%	\$ 6,400,000,000	-6.59%	\$ 6,337,333,000	-7.50%	\$ 6,370,900,000	-7.01%	- 1	\$ 6,298,500,000
FRANCHISE AND EXCISE TAXES INCOME TAX	1,619,508,100 292.027.400	1,664,100,000 262,400,000	2.75%	1,328,000,000	-18.00%	1,305,000,000	-19.42%	1,320,000,000	-18.49%	1,339,100,000	-17.31%		1,283,700,000
ROAD USER TAXES ALL OTHER TAXES	1,116,490,300	1,126,600,000	0.91%	1,078,000,000	-3.45%	1,061,400,000	4.93%	1,068,000,000	-24.32% -4.34%	210,000,000 1,064,500,000	-28.09% -4.66%		212,400,000 1,062,400,000
(1) F&A calculated the General Fund distribution for	r all presenters		6	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	-2.01%	1,213,900,000	-1.96%	1,220,550,000	-1.44%	1,223,800,000	-1.18%		1,252,100,000
(1) F&A calculated the General Fund distribution for all presenters	r all presenters.												

^{*} F&A distributed taxes for Dr. DePrince based on ratios for budgeted collections for 2007-2008.
** F&A distributed the Gross Receipts Taxes for Dr. DePrince based on anticipated TVA collections in 2008-2009.

DEPARTMENT OF REVENIE										
CH CHARLES OF STREET	DOCUMENT	OVER 08-09	DR FOY	OVER OR OF	EIGCAL BELVIEW	% CHANGE		% CHANGE		% CHANGE
SOURCE OF REVENUE	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE.	CVER 08-09	DR. DePRINCE	OVER 08-09
Sales and use Tax	\$ 6,604,500,000	2.00%	\$ 6,352,000,000	-0.75%	\$ 6,400,706,000	1.00%	\$ 6.409.500.000	0.61%	\$ 6307300000	0 14%
Gasoline Tax	610,600,000	2.00%	595,000,000	0.51%		2.00%	602,800,000	1.50%	c	0.14%
Motor Fuel Tax	171,700,000	2.02%	161,600,000	1.00%	167,272,000	3.00%	162,000,000	0.87%	154 200 000	-0.06%
Gasoline Inspection Tax	64,200,000	2.07%	61,500,000	1.49%	63,755,000	2.50%	63,800,000	4.08%	67 400 000	2 28%
Motor Vehicle Registration Tax	253,200,000	2.01%	251,300,000	1.00%	250,616,000	1.30%	254,800,000	2.45%	252,200,000	0 68%
Income Tax	163,500,000	-20.01%	168,000,000	-20.00%	187,850,000	-15.00%	214,500,000	2.14%	212.700.000	0.00%
Privilege Tax - Less Earmarked Portion	230,500,000	1.99%	244,800,000	2.00%	260,590,000	3.00%	254,600,000	-6.33%	250 000 000	-0 79%
Gross Receipts Tax - TVA	289,700,000	2.01%	289,700,000	2.01%	293,009,000	3.50%	283,900,000	0.28%	283 100 000 **	0.00%
Gross Receipts Tax - Other	21,000,000	0.00%	21,000,000	0.00%	27,040,000	4.00%	21,000,000	2.44%	16 300 000	21.64%
Beer lax	18,300,000	2.23%	18,700,000	2.19%	18,849,000	3.00%	19,300,000	3.76%	19,400,000 *	2 11%
Alcoholic beverage Lax	45,600,000	3.87%	46,600,000	4.02%	45,578,000	3.00%	43,900,000	0.46%	45.100.000	2 27%
Franchise & Excise Taxes	1,301,400,000	-2.00%	1,259,300,000	-3.50%	1,346,400,000	2.00%	1,309,000,000	-2.25%	1.256,700,000	-2 10%
Therear Territorians	95,000,000	0.00%	90,000,000	0.00%	97,650,000	5.00%	88,200,000	-1.23%	96,700,000 *	2 22%
Motor Vohiolo Titlo Econ	320,900,000	2.00%	320,900,000	2.00%	285,760,000	-6.00%	277,900,000	-5.86%	330,900,000	2.22%
Mixed Drink Tox	11,300,000	3.67%	11,300,000	3.67%	10,918,000	3.00%	11,200,000	5.66%	11,800,000	1.72%
Business Tax	131 200 000	0.18%	55,000,000	0.18%	56,097,000	3.50%	58,100,000	3.20%	62,500,000	2.12%
Severance Tax	200,000	0.00%	3,200,000	0.00%	132,600,000	2.00%	132,200,000	1.15%	148,500,000	2.20%
Coin Operated Amusement Tax	300,000	0.00%	300,000	0.00%	2,400,000	0.00%	1,800,000	-14.29%	1,800,000	0.00%
Unauthorized Substance Tax	1,900,000	0.00%	1,900,000	0.00%	1 400 000	0.00%	1 700,000	0.00%	300,000	0.00%
OTAL DEPARTMENT OF REVENUE	\$10,391,800,000	1.00%	\$10,082,100,000	-1.06%	\$10,256,710,000	0.88%	\$10,210,500,000	0.02%	\$ 10,112,200,000	0.03%
GENERAL FUND ONLY (1)	\$ 8,505,100,000	0.78%	\$ 8,232,200,000	-1.49%	\$ 8,376,010,000	0.60%	\$ 8,332,000,000	-0.49%	\$ 8,253,800,000	-0.29%
Growth over FY 09 Budgeted Est Total	\$ (1,004,700,000)		\$ (1,314,400,000)		\$ (1,139,790,000)		\$ (1,186,000,000)		\$ (1.284,300,000)	
Growth over FY 09 Budgeted Est Gen. Fund	\$ (998,400,000)		\$ (1,271,300,000)		\$ (1,127,490,000)		\$ (1,171,500,000)		\$ (1,249,700,000)	
Budget Document Compared to New Est Total			\$ (309 700 000)		(135 000 000)					
Budget Deciment Company to New Est. Car Time									(1000)	
budget pocument compared to New ESt - Gent Fund			\$ (272,900,000)		\$ (129,090,000)		\$ (173,100,000)		\$ (251,300,000)	
SELECTED TAXES	BUDGET DOCUMENT	%	DR. FOX	%	FISCAL REVIEW	%	REVENUE DEPT	°		0/
SALES AND USE TAX	\$ 6,604,500,000	2.00%	\$ 6,352,000,000	-0.75%	\$ 6,400,706,000	1.00%	\$ 6,409,500,000	0.61%	\$ 6,307,300,000	0.14%
INCOME TAX	163,500,000	-20.01%	168 000 000	-3.50%	1,346,400,000	2.00%	1,309,000,000	-2.25%	1,256,700,000	-2.10%
ROAD USER TAXES	1,099,700,000	2.01%	1.069.400.000	0.75%	1.089.563.000	202%	1 083 400 000	2.14%	212,700,000	0.14%
ALL OTHER TAXES	1,222,700,000	1.59%	1,233,400,000	1.61%	1,232,191,000	0.95%	1.194.100.000	-2.43%	1 268 400 000	1 30%
(1) F&A calculated the General Fund distribution for all presentors	Proceedings								,	
CO COLUMN TO THE	Procentors									

⁽¹⁾ F&A calculated the General Fund distribution for all presenters.

^{*} F&A distributed taxes for Dr. DePrince based on ratios for budgeted collections for 2007-2008.
** F&A distributed the Gross Receipts Taxes for Dr. DePrince based on anticipated TVA collections in 2008-2009.

Net Lottery Proceeds Estimates State Funding Board Staff Recommendation Actual 2007-2008 and Estimated 2008-2009 and 2009-2010 May 7, 2009

	2007-2008 Actual	2008-2009 Revised	%	2009-2010 Estimated	%
Lottery Corporation					
Low	272,416,000	262,000,000	-3.82%	262,000,000	0.00%
High	272,416,000	272,000,000	-0.15%	272,000,000	0.00%
Mid-Range Estimate	272,416,000	267,000,000	-1.99%	267,000,000	0.00%
Fiscal Review Staff					
Low	272,416,000	265,837,000	-2.42%	264,757,000	-0.41%
Median	272,416,000	269,937,000	-0.91%	271,908,000	0.73%
High	272,416,000	274,036,000	0.59%	279,126,000	1.86%
Recommended Range					
Low	272,416,000	262,000,000	-3.82%	262,000,000	0.00%
High	272,416,000	273,000,000	0.21%	272,000,000	-0.37%